

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

STANLEY HERBERT	:	CASE NO. C-1-00-855
	:	Judge Weber
Plaintiff,	:	
	:	
vs.	:	
	:	
MILFORD TOWING & SERVICE, INC.,	:	INTERROGATORIES AND
et. al,	:	REQUESTS TO PRODUCE OT
	:	MILFORD TOWING & SERVICE
Defendants.	:	SET NO. 1

I. INSTRUCTIONS FOR INTERROGATORIES

Plaintiff addresses the following interrogatories to the defendant **Milford Towing & Service, Inc.** pursuant to Rule 33 of the Federal Rules of Civil Procedure to be answered fully and separately in writing and under oath with copies of answers to be served on counsel for the plaintiff within thirty (30) days.

The interrogatories call for all information available to the defendant and its agents with respect to the subject matter into which they inquire. Your answers must be supplemented as information becomes available to you.

After answering each interrogatory, designate separately from whom or from what source the answer was derived by name and address or, in the appropriate case, from what documents.

If the information requested by any interrogatory is contained in documents, papers, or records in your custody, so indicate and further answer that interrogatory by attaching copies of such documents or papers to your answers and indicate the interrogatory to which these documents or papers are deemed responsive. In the alternative, you may answer that interrogatory by identifying those documents, papers or records in which the answer is contained

Exh A

and specifying the location of the documents, papers, or records, and making the same available to the plaintiff to inspect, copy or photograph. If any portion of any interrogatory cannot be answered fully, or is objected to, please answer the remainder.

If the answer to any of these interrogatories is not known to you or to any of your representatives, please state the name, last known address, and occupation of any persons whom you know or believe to have knowledge or information called for by that interrogatory.

II. DEFINITIONS

All definitions used in Defendant's Interrogatory and Document Requests to Plaintiff are incorporated herein.

The term "document" means any written, printed, typed, recorded, magnetic, punched, copied, graphic or tangible thing, through or from which information may be embodied, translated, conveyed, or stored including, but not limited to, correspondence, memoranda, notes, notebooks, telephone messages, records, books, papers, telegrams, telexes, facsimiles, dictation recordings, video recordings, computer tapes and recordings, electronic records, electronic recordings, electronic mail or e-mail, computer discs, computer printouts, microfilm, microfiche, work sheets, diaries, calendars, photographs, charts, drawings, sketches, and other writings or draft thereof.

III. INTERROGATORIES

1. State the name, address, and title of the person(s) answering these interrogatories.

Wilma Sue Trammell, Secretary and Treasurer
5625 Dry Run Road
Milford, Ohio 45150

2. State the names, addresses, telephone numbers, occupations, and current employers of each and every person with knowledge relevant to the allegations contained in the Plaintiff's Complaint.

2. Quentin Klute, 3800 Graham Road, Fayetteville, Ohio 45118, Service Manager, Milford Towing and Service, Inc.
James D. Trammell, 5625 Dry Run Road, Milford, Ohio 45150, Driver, Mechanic President, Milford Towing and Service Inc.
Mark Cruet, 528 Milliben, Hamilton, Ohio 45013, Mechanic, Holman Motors S.R. 32.
Amy Plummer, 3800 Graham Road, Fayetteville, Ohio 45118, Clerical, Milford Towing and Service, Inc.
Bill Garner, 5628 Betty Lane, Milford, Ohio 45150, Mechanic, Milford Towing and Service Inc.
Sara F. Baird, 5568 Betty Lane, Milford, Ohio 45150, Clerical/Bookkeeper Milford Towing and Service Inc.
Wilma Sue Trammell, 5625 Dry Run Road, Milford, Ohio 45150, Dispatch, Secretary-Treasurer, bookkeeper, Milford Towing and Service Inc.

The above listed persons are presently known to have some knowledge relative to Mr. Herbert's allegations. As additional persons are identified, their names will be made available. Persons with peripheral knowledge have not been listed.

3. For each person listed in Interrogatory No. 2, summarize the facts the person knows relevant to the allegations contained in the Plaintiff's Complaint.

See attached affidavits. Wilma Sue Trammell was familiar with the day-to-day operations of the business and was often at the service facility. She was on a first name basis with all the employees including Plaintiff. Her testimony will be parallel to the statements in the affidavits.

4. What are the names, addresses, telephone numbers, occupations, and current employers of each and every person you will or may call as a witness, lay or expert, at the trial in the case, summarizing briefly what you expect the testimony to be.

See attached chart. Chart will be supplemented as records are located

5. What are the names addresses, telephone numbers, occupations, and current employers of each and every person known to defendants or their agents or attorney who has made an oral or written statement relevant to the subject matter of this lawsuit.

- 5 Quentin Klute, 3800 Graham Road, Fayetteville, Ohio 45118, Service Manager, Milford Towing
James D. Trammell, 5625 Dry Run Road, Milford, Ohio 45150, President, Milford Towing
Keith Trammell, 5625 Dry Run Milford
Mark Crucey, 528 Milliben, Hamilton, Ohio 45013, Holman Motors
Amy Plummer, 3800 Graham Road, Fayetteville, Ohio 45118, Milford Towing
Bill Garner, 5628 Betty Lane, Milford, Ohio 45150, Milford Towing
Sara F. Baird, 5568 Betty Lane, Milford, Ohio 45150, Milford Towing

6. Provide the names, present or last known address & phone number, position(s) held, hire date (and for those no longer employed provide the termination date and reason for leaving), of all persons who have been employed at Milford Towing & Service, Inc. from July 1, 1998 to present.

- 6 See attached chart. Chart will be supplemented as records are located

7. State whether employment records are computerized and if so, what information is available on each employee.

- 7 Our employment records are not computerized.

8. State whether there is any insurance agreement or policy that might be available to satisfy part or all of a judgment in this action. If, so please attach a copy.

- 8 None has been found. We continue to press for more information and will supplement discovery as obtained.

9. State the names, addresses, phone numbers and percentage of ownership for each person having actual or equitable ownership in Milford Towing & Service, Inc.

9 James D. Trammell 67%
 Wilma Sue Trammell 33%
 5625 Dry Run Road
 Milford, Ohio 45150
 513-831-0924

10. State whether defendant had a written or oral sexual harassment policy from January 1, 1994 to present. If oral, describe the policy, when begun, and describe any changes and the date of each such change. If written, produce the policy and all amendments and dates of the amendments.

10 Federal Law posted at all times in the form of a Five-In-One poster. (See Copy of photograph.) Milford Towing Employee Handbook. (Copy enclosed) We have always had a requirement of proper and courteous behavior. This would naturally include a prohibition against improper sexual behavior. Employees were asked to report any problems. Any questions or complaints would have been addressed had any been brought up. When we hired, employees were told that there would be no indecent calendars allowed or pinups. No foul language. No hand gestures or indecency. Women were not allowed to wear short skirts or shorts or revealing tops. Don made it a point to speak individually to each employee once a week and ask if there were any problems.

11. State the dates of all training or discussion of sexual harassment with employees, the names of all persons in attendance and notes of any minutes from January 1, 1994 to present.

11 We have always had a requirement of proper and courteous behavior. There was a continuous hands-on approach as described in #10 above. We never had any formal meetings.

12. For the calendar year 1999, list the names, job title and job duties of each employee and member of management in order from top down.

12 James D. Trammell, President, Driver, Mechanic
 Wilma Sue Trammell, Secretary & Treasurer, Dispatcher,
 Quentin Klute, Service Manager
 Stan Herbert, Mechanic
 Amy Plummer, Clerical
 Mark Cruet, Mechanic
 Bill Garner, Mechanic
 Sara F. Baird, Clerical

4

Quentin Klute, 3800 Graham Road, Fayetteville, Ohio 45118, Service Manager, Milford Towing
 James D. Trammell, 5625 Dry Run Road, Milford, Ohio 45150, President, Milford Towing
 Mark Crucey, 528 Milliben, Hamilton, Ohio 45013, Holman Motors
 Amy Plummer, 3800 Graham Road, Fayetteville, Ohio 45118, Milford Towing
 Bill Garner, 5628 Betty Lane, Milford, Ohio 45150, Milford Towing
 Sara F. Baird, 5568 Betty Lane, Milford, Ohio 45150, Milford Towing
 Craig D. Hensley, 511 E, Main Street Lot 43, Mt. Orab, Oh 45154 1-937-444-7133
 Scott Phelps, 8369 Wexford Ave. Cincinnati, Ohio 45236 936-9170
 Johnny Whitaker, 535 Hudson Ave., Milford, Ohio 45150 576-9099
 George J. Braunagel, 2701 Arrowhead Trace, Loveland, Ohio 45140 683-5098
 David Roades, 2723 St. Rt. 131, Fayetteville, Ohio 45118 875-3515
 Gary Strotman, McPicken Drive, Milford, Ohio 45150 831-0598
 Mike McKinney, 1925 Parker Road, Goshen, Ohio 45122 625-8129
 Jim Strotman, 5344 Newtonsville-Hutchinson Rd., Batavia, Ohio 45103 625-1483
 Kellie Whitaker, 535 Hudson Ave., Milford, Ohio 45150 576-9099
 Larry Bruce, 261 Apache Trail, Loveland, Ohio 45140 831-4308
 Paul Thomas, 7968 Glendale Milford Road, Camp Dennison, Oh 45111
 James Donald Courtney, III, 5713 Larkspur Dr., Milford, Ohio 45150 575-1599
 Everette Neal Jackson, 9 Estates Drive, Amelia, Ohio 45102
 Edward Woods, 1838 S.R. 131 Milford, Ohio 45150; 575-1099; Contractor, self
 Frank Evans, 7985 Munson St. Camp Dennison Oh. 45111; 831-8488 Retired USPO.
 Earl Lunsford, Address unknown. Fayetteville Ohio
 Ralph Hodges, c/o Milford Police, Police officer.

The above will testify, generally, to Mr. Herbert's penchant for horseplay, his attendance, his drinking behavior, his close relationship to Defendant Klute, and other day-to-day behavior of the plaintiff. They will also testify to the positive atmosphere at the garage and the involvement of the owners including the policy of active communication.

Defendant reserves the right to add to the above list as investigation of the case progresses.

- 6 Quentin Klute, 3800 Graham Road, Fayetteville, Ohio 45118, Tel _____, Service Manager, 7/98; n/a
- James D. Trammell, 5625 Dry Run Road, Milford, Ohio 45150, Tel _____, President, Driver, Mechanic;
- Mark Cruey, 528 Milliben, Hamilton, Ohio 45013, Tel _____ Mechanic; 5/98 left to Holman Motors 2/2000
- Amy Plummer, 3800 Graham Road, Fayetteville, Ohio 45118, Tel _____ Clerical 7/98
- Bill Garner, 5628 Betty Lane, Milford, Ohio 45150, Tel _____; 2/99
- Sara F. Baird, 5568 Betty Lane, Milford, Ohio 45150, Tel _____, 9/97
- Craig D. Hensley, 511 E, Main Street Lot 43, Mt. Orab, Oh 45154 Tel 1-937-444-7133; Mechanic 12/98-7/99 Holman Motors higher pay.
- Scott Phelps, 8369 Wexford Ave. Cincinnati, Ohio 45236 Tel 936-9170; Mechanic 12/99 -
- Johnny Whitaker, 535 Hudson Ave., Milford, Ohio 45150 Tel 576-9099; Driver 4/96-
- George J. Braunagel, 2701 Arrowhead Trace, Loveland, Ohio 45140 Tel 683-5098; Driver 6/97-
- David Roades, 2723 St. Rt. 131, Fayetteville, Ohio 45118 Tel 875-3515; Driver 6/99-
- Gary Strotman, McPicken Drive, Milford, Ohio 45150 Tel 831-0598; Dispatcher 1988-
- Mike McKinney, 1925 Parker Road, Goshen, Ohio 45122 Tel 625-8129;
- Jim Strotman, 5344 Newtonsville-Hutchinson Rd., Batavia, Ohio 45103 Tel 625-1483; Driver 1988-
- Kellie Whitaker, 535 Hudson Ave., Milford, Ohio 45150 Tel 576-9099; Dispatch 6/98-
- Larry Bruce, 261 Apache Trail, Loveland, Ohio 45140 Tel 831-4308; Driver ____-1/00
- Paul Thomas, 7968 Glendale Milford Road, Camp Dennison, Oh 45111
- James Donald Courtney, III, 5713 Larkspur Dr., Milford, Ohio 45150 575-1599
- Everette Neal Jackson, 9 Estates Drive, Amelia, Ohio 45102 Tel _____; Driver 4/99-7/99 returned to construction
- Ralph Hodges, c/o Milford Police, Police officer. 1988-1998 part time
- Jay Hire Tel _____; Driver 12/00-
- Jeff Wisby Tel _____, Dispatch 1/01-
- Joe Tel _____; Driver 10/00-
- Chris Baird Tel _____; Driver 4/20-
- Gary Ward US Army Tel _____; Mechanic 12/97-11/98
- To military

Submitted by,

Robert F. Laufman

Robert F. Laufman #0019699

Trial Attorney for Plaintiff

Jennifer L. Branch #0038893

Attorney for Plaintiff

1409 Enquirer Building

Cincinnati, Ohio 45202

(513) 621-9100

VERIFICATION

I, Wilma Sue Trammell swear or ~~affirm~~ that the answers to plaintiff's first set of interrogatories to defendant are true and accurate. to the best of my knowledge.

Wilma Sue Trammell

NOTARY

STATE OF OHIO)

COUNTY OF Clermont)

SS:

Sworn to and signed before me this 10th day of January, 2001.

Peter J. Strasser

PETER J. STRASSER Attorney at Law

Notary Public, State of Ohio

My Commission has no expiration

date. Section 147.03 R. C.